

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-33 are cancelled. Claim 1 remains in this application and, as amended herein, is submitted for Examiner's reconsideration.

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to correct the informality. It is therefore submitted that claim 1 is in full compliance with the requirements of 35 U.S.C. § 112, first paragraph.

Claim 1 was rejected under 35 U.S.C. § 101. Claim 1 has been amended to more clearly show that the claim covers statutory subject matter and that the claimed invention produces a useful, concrete and tangible result. It is therefore submitted that claim 1 is in full compliance with the requirements of 35 U.S.C. § 101.

The Examiner also rejected claim 1 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 4/1 and 3/1 of Maeda (U.S. Patent No. 6,580,679) in view of Matsumoto (U.S. Patent No. 6,462,263).

Claim 1 defines a recording medium that comprises a management area which includes:

second management information for managing associations between the plurality of programs and the plurality of groups whereby specific ones of the plurality of programs are associated with a given one of the plurality of groups, and including a first special code for partitioning program numbers corresponding to the programs associated with the given group and a group name associated with the given group, and a second special code for partitioning the program numbers and group name associated with the given group and the program numbers and group name associated with another one of the plurality of groups,

wherein a respective one of the plurality of groups is erased, moved or divided by editing at least one of the program numbers and the group name associated with that group.

(Emphasis added.)

The cited sections of Matsumoto describe examples of delimiter symbols. Neither the cited claims of Maeda nor the cited sections of Matsumoto discloses or suggests the partitionings recited in claim 1, and neither the cited claims of Maeda nor the cited sections of Matsumoto discloses or suggests the erasure, movement or division of a group in the manner defined in claim 1.

Accordingly, the withdrawal of the rejection under obviousness-type double patenting is respectfully requested.

Turning now to the art rejections, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being obvious over Utsumi (U.S. Patent No. 6,631,100) further considered with Matsumoto. However, the Utsumi patent is disqualified as prior art for the purpose of showing obviousness of claim 1.

The present application was filed on July 9, 2001 and claims priority from Japanese applications filed on June 22, 2001 and September 24, 2000.

The Utsumi patent issued on October 7, 2003 from an application filed on September 2, 1998 and would therefore qualify as prior art under 35 U.S.C. § 102(e). Utsumi is assigned to Sony Corporation, the assignee of the present application, based on an assignment executed on August 26, 1998. Both the Utsumi patent and the present application were thus owned by Sony Corporation at the time of the invention disclosed and claimed in the present application. Therefore, Utsumi is disqualified as prior art under 35 U.S.C. § 103(c).

The Examiner also rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto further considered with Ando (U.S. Patent No. 6,341,196). Applicants

submit that the claim is patentably distinguishable over the cited references.

Claim 1 is distinguishable over Matsumoto for the reasons described above.

The sections of the Ando patent that are cited by the Examiner describe a partition descriptor. However, the cited sections neither disclose nor suggest partitionings in the manner recited above in claim 1, and the cited sections neither disclose nor suggest the erasure, movement or division of groups in the manner defined above in claim 1.

It follows that claim 1 is patentably distinct and unobvious over the cited references.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 17, 2006

Respectfully submitted,



Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant